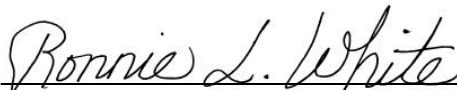


10 (8th Cir. 1977) (per curiam) (citations omitted); see also Fed. R. Civ. P. 55(b)(2). In cases where co-defendants are similarly situated, even if the liability asserted against them is not joint, the Eighth Circuit has held that default judgment should not be entered against a defaulting defendant if the other defendant might prevail on the merits. See Angelo Iafrate Constr., LLC v. Potashnick Constr., Inc., 370 F.3d 715, 722 (8th Cir. 2004). This principle is designed to avoid inconsistent judgments.

The Complaint alleges that Ryan sued Republic in state court for personal injuries arising out of an accident between Ryan's automobile and a "crane" operated by Republic's employee or agent. Although on opposite sides of the state court litigation, Ryan and Republic are similarly situated for purposes of this action. Plaintiff seeks a declaration that the automobile liability insurance policy it issued to Republic does not provide coverage for the accident at issue or require it to defend Republic in the state court litigation. Defendant Ryan's Answer disputes these issues and Plaintiff's entitlement to such a declaration. As such, the Court finds there is a possibility of inconsistent judgments if default judgment were to be entered against Republic at the present time.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff State Farm Mutual Automobile Insurance Company's Motion for Default Judgment (ECF No. 12) is **DENIED as moot** as to Defendant Cartrina Ryan and **DENIED without prejudice** as to Defendant Republic Telecom Services, Inc.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE

Dated this 22nd day of September, 2021.